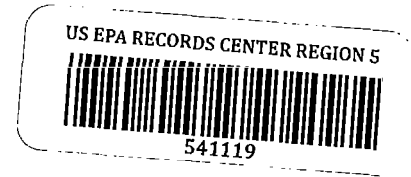


UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS



IN THE MATTER OF:

LAKE CALUMET CLUSTER SITE
(bounded by Land and Lakes Landfill,
122nd Street, Norfolk and Western
Railroad right-of-way and Indian Ridge
Marsh, and 119th Street)
Chicago, Cook County, Illinois

Civ. No. 1:15-mc-00172

**ORDER GRANTING EXTENSION OF EX PARTE ADMINISTRATIVE WARRANT
FOR ENTRY, INSPECTION, INVESTIGATION, AND SAMPLING**

To: ROBERT KAPLAN, ACTING REGIONAL ADMINISTRATOR, UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY, REGION 5, AND ANY DULY
DESIGNATED EMPLOYEES OR REPRESENTATIVES OF U.S. EPA:

This matter is before the Court on an Application for Extension of Ex Parte Administrative Warrant filed by the United States of America on behalf of the United States Environmental Protection Agency ("EPA") on March 21, 2017. In the instant Application, the EPA requests that the Court extend for a period of two years the March 26, 2015 administrative warrant to allow entry, inspection, investigation, and sampling at the Lake Calumet Cluster Site, by the EPA and its authorized representatives.

Proper application having been made pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. §§ 9601 *et seq.* ("CERCLA") for an administrative warrant to enter property, gather information, and determine the need for a response action, or the appropriate response action, to address a release or threatened release of hazardous substances, pollutants or contaminants at the vacant and abandoned property known as the Lake Calumet Cluster Site, bounded by Land and Lakes

Landfill, 122nd Street, Norfolk and Western Railroad right-of-way and Indian Ridge Marsh, and 119th Street, and identified adjacent parcels, this Court finds that the United States has established reasonable grounds for extension of the administrative warrant issued by this Court on March 26, 2015, and authorizes representatives of EPA, including employees of Illinois Environmental Protection Agency ("Illinois EPA") and contractors and other representatives authorized by EPA, to enter and conduct information-gathering actions required and necessary to determine the need for a response action or the appropriate response action pursuant to Sections 104(e)(3) and (4) of CERCLA, 42 U.S.C. § 9604(e)(3), (4). The materials supporting the United States' Application for Ex Parte Administrative Warrant for Entry, Inspection and Sampling consist of the Declaration EPA Remedial Project Manager Shari Kolak, and all attachments thereto.

The supporting materials submitted to this Court establish that there is reasonable evidence that there has been or may be a release or threat of release of one or more hazardous substances, pollutants or contaminants that present a threat or potential threat to human health or the environment, including arsenic, barium, chromium, lead, mercury, PCBs, and naphthalene. The supporting materials further establish that the property is currently vacant and abandoned. They also establish that EPA has attempted to identify, locate, and contact the current owners, as appropriate, so that it can request consent to enter the Site and adjacent parcels. They further establish that to date, EPA has been unsuccessful in identifying and locating many of the current owners and unsuccessful in obtaining consent from the majority of the current owners.

EPA's Application explains the scope and nature of its planned actions at the Site and adjacent parcels under CERCLA, the work it has performed under the March 26, 2015 warrant, and the work remaining to be completed, which is estimated to take no more than an additional

two years. Its Application also explains that its investigation required a full year of groundwater sampling data, after which determinations were made regarding further testing, and that the discovery of non-aqueous phase liquids ("NAPL") has caused additional investigation to be necessary to complete the RI/FS. The nature of the activities EPA's employees and representatives will perform or complete pursuant to this warrant are: (1) Additional site reconnaissance, including surveying and mapping, if necessary; (2) Additional geological investigations, including collecting additional surface and subsurface soil samples, digging additional test pits, and performing boring and permeability sampling; (3) Routine air monitoring; (4) Hydrogeological investigations of the groundwater, including collecting additional groundwater samples, performing hydraulic tests, and modeling the groundwater flow and contaminant transport; (5) Testing and investigation related to the newly-discovered NAPL contamination; (6) Waste investigations; and (7) Any other investigations necessary to evaluate the preliminary identified remedial alternatives and the feasibility study. These actions are typical of information-gathering actions taken by EPA under the authority of CERCLA.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to Section 104(e) of CERCLA, EPA and its duly designated representatives, including employees of Illinois EPA and contractors and representatives authorized by the EPA, are hereby entitled to and are hereby permitted to enter upon the premises and property comprising the Lake Calumet Cluster Site bounded by Land and Lakes Landfill, 122nd Street, Norfolk and Western Railroad right-of-way and Indian Ridge Marsh, and 119th Street in Chicago, Illinois, and identified adjacent parcels, for the purposes of gathering information to determine the need for response actions or the appropriate response action. As part of the information-gathering action, the EPA and its duly designated representatives, including employees of Illinois EPA and contractors and representatives authorized by the EPA, are

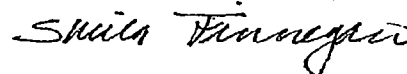
permitted to enter and to re-enter the Site and adjacent parcels in order to complete their described activities as the Agency deems necessary. The entry and completion of investigations shall be conducted within reasonable limits and in a reasonable manner between the hours of 8:00 a.m. and 7:00 p.m., and shall continue for the number of days that are reasonably necessary for the EPA to complete the information-gathering action. Entry shall be completed within two years from the date that this warrant is issued. If additional time is needed to complete activities required under the AOC, the United States shall make application to renew or extend this Order.

A copy of this warrant shall be left at the Site at the time the information-gathering actions commence. A copy shall also be delivered to all persons whom the EPA has contacted for seeking consent for access.

The persons conducting the inspections and sampling shall leave a receipt for any property or samples taken and prepare a written inventory of such property, pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9604(e), and shall return this warrant with the written inventory to this Court within thirty (30) days from the final date of the inspection and sampling.

The United States Marshal is hereby authorized and directed to assist representatives of the EPA in such manner as reasonably may be necessary and required to execute this Warrant and the provisions contained herein, including, but not limited to, gaining entry upon the premises, the inspection and photography thereof, and the collection of samples from the premises.

DATED THIS 27th DAY OF March, 2017.



Sheila Finnegan
United States Magistrate Judge